

Application No. 09/912,670  
Filed: July 23, 2001  
TC Art Unit: 1644  
Confirmation No.: 6394

REMARKS

Claim 24 has been rejected as obvious over U.S. Pat. No. 6,048,850 in view of Lipton et al. Claim 43 has been rejected as obvious over U.S. Pat. No. 6,048,850 in view of Lipton et al. and further in view of Singh et al. Claims 42 and 43 are rejected as not supported in the written description. These rejections are respectfully traversed and reconsideration is requested.

Applicants' amendment of certain rejected claims is not to be construed as an admission that the Examiner's rejections were proper. The Applicants continue to believe that the rejected claims are described in and enabled by the specification, and are not obvious in view of the cited references, as previously argued. The rejected claims have been amended for the sole purpose of advancing the case to allowance.

Applicants submit that Lipton discloses at most only generalized systemic treatment of acute inflammation using  $\alpha$ -MSH and in no way teaches or hints at the method of the invention as particularly claimed in amended claim 24. Therefore, Lipton can add nothing to the disclosure of the '850 patent, which generally teaches gene therapy for treating inflammation. Thus, Applicants submit that the rejection of claims 24 and 43 has been overcome.

In regard to the lack of written description rejection of claims 42 and 43, the Applicants point out to the Examiner that claim 42 is merely original claim 18 written in independent form to depend only on

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claim 24. Claim 43 is supported, for example, at p. 13, lines 1-6, and the rejection is overcome.

Thus, Applicants submit that all claims are in condition for allowance and such action is requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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